FILED CHARLOTTE, N. C.

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA

SEP - 8 2005

	MISC. NO. 3:05HC302	U. S. DISTRICT COLUMN
		W DIST OF TOURT
IN RE:	)	W. DIST. OF N. C.

ASSIGNMENT OF AUTHORITY TO MAGISTRATE JUDGES IN CRIMINAL FORFEITURE CASES AND PUBLICATION OF NOTICE IN CIVIL AND CRIMINAL FORFEITURE CASES

**ORDER** 

Pursuant to 28 U.S.C. §636(b), in any criminal case where a defendant pleads guilty and consents to forfeiture of property, a duly-appointed Magistrate Judge in this district is hereby authorized to enter one or more orders and judgments of forfeiture in connection with the hearing under Rule 11 of the Federal Rules of Criminal Procedure. Based on a stipulation of the parties or other proper showing, the Magistrate Judge is further authorized to make any related findings of fact contemplated by Rule 32.2, as it may be amended from time to time, provided that the defendant consents to those findings. If necessary, the notice required by Rule 32.2(a) may be waived by defendant's express written consent in the plea agreement or in the proposed order and judgment. The Magistrate Judge may sign the order and judgment in cases where the defendant pleads guilty without a plea agreement, provided that both the defendant and counsel give their express written consent to the forfeiture.

Under Rule 32.2(c)(2), an order of forfeiture may become final without an ancillary proceeding to adjudicate third party interests in the property subject to forfeiture, either because the forfeiture consists of a money judgment or because no third party files a timely petition. In this district, unless specifically ordered by a District Judge, no ancillary proceeding shall be conducted by the Magistrate Judge. In the event of an ancillary proceeding, any order and judgment signed by the Magistrate Judge in connection with a Rule 11 hearing shall serve as a preliminary order for purposes of Rule 32.2(c) and may be amended, if necessary, by a further order and judgment of the Court.

Unless otherwise required by statute or rule or by a specific order of this Court, in connection with a judicial forfeiture case in this district, whether civil or criminal, the United States may satisfy

an applicable requirement of publication of notice, including 21 U.S.C. §853(n)(1) and Rule C(4) of the Supplemental Rules for Certain Admiralty and Maritime Claims, by publishing once in a newspaper of general circulation.

The Clerk is directed to serve copies of this Order to all District Court Judges, all Magistrate Judges, the United States Attorney, the Chief United States Probation Officer, and the United States Marshal.

IT IS SO ORDERED, this Start day of September

United States District Judge

United States District Judge

United States District Judge

Robert J. Conrad Jr.

United States District Judge